think that the intent on both sides of the aisle was to have all earmarks have a transparency to them so we know where those earmarks come from. Under this rule, we are self-executing an amendment, and that amendment is not covered, is not covered under the transparency. Now, I don't know if there is something within that bill that has earmarks that aren't being reported, but Leader BOEHNER's resolution simply would make this subject to transparency. That is all we are saying. That is all that we are saying.

I thank the gentleman for yielding on this point.

□ 1100

Mr. ARCURI. I thank the gentleman. With all due respect, I couldn't disagree more. While some of my colleagues on the other side continue to criticize our new earmark rule, the fact of the matter is that the House Democratic majority has implemented the most honest and open earmark rule in the history of the United States House of Representatives. But don't take my word for it. In this week's CQ Weekly, Ryan Alexander, president of Taxpayers for Common Sense is quoted as saying: ''The House has given us more information than we have ever had before on earmarks, and they deserve credit for that.''

Mr. Speaker, the other side continues to talk about their plan to modify the earmark rule, but what they don't tell you is that their earmark rule would not cover any measure not already covered by the earmark rule presently in effect. It is important to remember which side actually abused the earmark process, and who actually stepped up to the plate to reform the system and provide transparency. We didn't wait until 2 months before the election; we responded to the people's call for more openness on the first day of this Congress.

It seems quite clear to me that the minority is more concerned with obstructionism, while we are focused on actually meeting the needs of our constituents. That is exactly what this bill does and what the underlying rule does.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding, and I appreciate that he has a little bit different view than I have. I would ask the gentleman, what bills are covered by the earmark rule, transparency rule, that you are talking about today? What bills?

Mr. ARCURI. This bill today.

Mr. HASTINGS of Washington. The rules only cover appropriation bills.

Mr. ARCURI. If I may reclaim my time, the bill today is covered by it. As I say, this bill is about helping Americans. This is about putting Americans back to work and about putting money back into the development of infrastructure, into financing hospitals, and doing the kind of things that I was sent to Congress to do today.

Mr. Speaker, as I said earlier, passage of this bipartisan legislation, which this rule provides consideration of, is a critical step toward helping some of our neediest communities achieve economic parity with the rest of the country. The Regional Economic and Infrastructure Development Act authorizes the creation of five regional economic development commissions under a common framework of administration and management. These commissions are designed to address problems of systematic underdevelopment in their respective regions.

In general, the five commissions authorized in this bill will utilize the successful Appalachian Regional Commission model, which facilitates a bottom-up approach. Local development districts, nonprofit organizations, and others bring projects and ideas to the commission from the local level, ensuring that the actions of the commission reflect local and regional economic development needs and goals.

Mr. Speaker, as I mentioned a short while ago, the Northern Border Regional Commission created by this legislation builds on the success of the ARC. It would be charged with investing $40 million each year in Federal resources for economic development and job creation in the most economically distressed border areas of Maine, New York, New Hampshire, and Vermont. This commission will help fund projects that both strengthen traditional sectors in the region's economy and help to diversify it. The Northern Border Regional Commission is focused on helping areas in the Northeast that have higher levels of unemployment, a significant loss of population, and significantly low household incomes.

This legislation is yet another example of true bipartisan cooperation often seen on the Transportation and Infrastructure Committee.

Mr. Speaker, I urge my colleagues on both sides of the aisle to vote ''yes'' on the previous question and the rule.

The material referred to previously by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 704 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 702 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2740.

□ 1105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, with Mr. ARCURI (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 3, 2007, the amendments made in order pursuant to House Resolution 702 had been disposed of.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. ARCURI, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, pursuant to House Resolution 702, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. I am, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes moves to recommit the bill H.R. 2740 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of the text of the bill, insert the following:

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, the motion to recommit I have offered is straightforward. It preserves the ability of our intelligence community to protect America's national security.

We all agree that it is important to hold contractors liable for criminal acts that they commit while working overseas. No one is above the law. But, unfortunately, H.R. 2740 in its present form will have significant dangerous consequences to the intelligence community and the vital role it plays in protecting America. The motion to recommit clarifies the application of H.R. 2740 to ensure that critical intelligence activities will be able to continue.

The majority in its haste to score political points has ignored the intelligence community's concerns about the implications of the bill. Let me take a moment to outline some of the specific concerns that the majority has ignored.

First, H.R. 2740 covers all agents of any Department or agency of the United States, including clandestine assets. If a clandestine asset was implicated in a crime, investigating and arresting that asset under traditional criminal procedures could expose other assets and compromise critical intelligence activities.

Second, H.R. 2740 extends United States criminal jurisdiction without regard to the nationality of the offender. Host country nationals serving or assisting sensitive assets could become criminally liable for a felony violation of U.S. law and undermine critical intelligence activities.

Third, H.R. 2740 applies the entire criminal code to the new category of potential offenders and could implicate the authorized business of the intelligence community employees and contractors.

The bill also does not limit criminal liability to activities that occur in the course of employment, whether committed on duty or off duty, and increases the risk of exposing intelligence activities.

We agree with our colleagues on the other side of the aisle that we must hold everyone accountable under the law. Our criminal code is aimed at ensuring peace and order in our country and should not be applied internationally to every aspect of our Nation's foreign activities.

Our country relies on our intelligence community to preserve our national security and protect our citizens. We must legislate responsibly when it comes to applying our criminal code to overseas activities. Preserving our critical intelligence operations is paramount. Politics has no role in this decision.

Mr. Speaker, I urge my colleagues to support the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise to accept the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. CONYERS. Mr. Speaker, I am pleased to thank the distinguished gentleman from Virginia, the ranking member, RANDY FORBES, because we are willing on this side to accept the motion to recommit, with the understanding that we will work to clarify its scope, as has been indicated in the discussion, and that we do understand that this would not in any way weaken the Military Extraterritorial Jurisdiction Act or invalidate current law which is now in place.

Mr. Speaker, with that agreement on the part of the ranking member, this side accepts the motion to recommit.

Mr. HALL of New York. Mr. Speaker, today, the House took an important step to restore accountability to our involvement in Iraq by passing H.R. 2740, the MEJA Expansion and Enforcement Act of 2007. This bill serves an important purpose by bringing previously unaccountable private security contractors under the rule of U.S. law.

By some estimates there are nearly 50,000 private security personnel working in Iraq. These contractors operate largely outside U.S. and Iraqi law, and episodes of significant contractor misconduct raise animosity toward Americans in the field and lose us hearts and minds in Iraq.

The activities of one of the most prominent contractors, Blackwater, highlight why they are a counterproductive influence in Iraq and their activities must be curtailed. Two weeks ago, Blackwater personnel guarding a State Department group were involved in a shootout that resulted in the deaths of as many as 17 Iraqis. Yesterday, the Government Reform Committee disclosed that Blackwater has been involved in 195 escalation of force incidents since 2005 and in 80 percent of those Blackwater fired the first shots.

These incidents combined with a host of other abuses clearly indicate that we need to stop putting contractors in Iraq and bring those there under control. That's why I was proud to cosponsor and vote for the MEJA Expansion and Enforcement Act to bring these contractors under U.S. jurisdiction if they commit criminal acts. Only by holding these contractors accountable can we actually begin to restore our standing in the world and win hearts and minds in Iraq.

During consideration of this bill, the House of Representatives considered a motion to recommit forthwith that stated, "Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act."

I am an ardent supporter of our efforts to combat terrorism, prevent terrorist attacks, and bring terrorists to justice. I want our intelligence community to have all of the tools it needs to accomplish these tasks, and believe it can be successful in doing so within the rule of law. Some of my proudest votes on this floor have been to give our government new tools to fight terrorism and keep Americans safe. However, for the following reasons I could not in good conscience vote for this motion to recommit forthwith.

It is often said that, "the devil is in the details." In this case, I fear the level is in the lack of details. The drafting of this legislative language is extremely vague, and I have serious reservations about the scope of its impact. It seems that this language could be interpreted to provide legal cover to abuses committed by contractors, like those at Abu Ghraib, that undermine our national security and are contrary to the founding principles of our nation. On a day when the New York Times has reported at length on the concerted efforts of the Administration to twist the law to make practices like freezing and water-boarding legal, I could not support language that could be manipulated to provide cover for such illegal and counterproductive acts.

I am doubly skeptical of this language because if it was not meant to provide cover for questionable acts, it would not be necessary. The MEJA Expansion and Enforcement Act does not make any previously legal acts illegal, it simply extends the jurisdiction of U.S. law. Previously uncovered contractors would not be impeded in their work if they were acting and continue to act in accordance with the law.

For these reasons, I voted to support the MEJA Expansion and Enforcement Act and voted against the motion to recommit forthwith.

Mr. PRICE of North Carolina. Mr. Speaker, my colleague from Virginia has offered a motion to recommit H.R. 2740 the MEJA Expansion and Enforcement Act, to the Judiciary Committee and to amend the legislation with regard to intelligence activities. I will support this motion, but with two important qualifications.

The motion to recommit would amend H.R. 2740 with a rule of construction, stating, "nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act." This amendment does not at all modify the force of my legislation, does not limit the scope of the MEJA jurisdiction, and does not grant immunity to anyone, including contractor employees of the intelligence community. Put simply, I am voting in support of this motion because it in no way alters the underlying bill before us.

With that said, let me attach two qualifications to my support. First, the amendment is

unnecessary in the context of both current law and this legislation. Second, the amendment raises serious questions about the activities its proponents may be seeking to protect.

My legislation would indeed place contractor employees of non-defense related agencies under the extraterritorial jurisdiction of United States federal law, granting the Department of Justice authority to prosecute felony offenses committed by non-defense contractors. Defense contractors are already covered by MEJA, a point that seems lost on the authors of this motion. Given that the majority of the intelligence community falls under the Department of Defense, it stands to reason that many—if not most—contractors engaged in intelligence-related activities are already under the jurisdiction of federal law. Not only that, employees of the Defense Department intelligence agencies, including agents of the Defense Intelligence Agency, the National Security Agency, and intelligence services of the different branches of the Armed Forces, among others, are covered by MEJA, and this coverage has not endangered our national security in the least. So concerns about my legislation, which deals with non-defense contractors, seem ill-founded in the context of current law.

To my knowledge, there have never been significant concerns raised about the coverage of these Defense Department intelligence agents and contractors, for one major reason: prosecutorial discretion. The Department of Justice always has the discretion to refrain from prosecuting a case if it will endanger our national security interests. My legislation does not compel prosecution and it does not interfere with the prosecutor's discretion. If a prosecutor ever has concerns that prosecution of a contractor under MEJA would endanger state secrets, expose clandestine networks, or otherwise undermine our security interests, the prosecutor has the discretion not to prosecute the case. It's as simple as that.

Let me also point out that this bill only affects contractors who commit felony crimes. So long as private contractors, including those who are engaged in intelligence-related activities, are conducting themselves within the bounds of the law, this legislation is irrelevant to them. However, if there are private, for-profit contractors tasked with duties that require them to commit felony offenses, Congress needs to know about it. Such a revelation would point to a need for a serious debate about whether we are using contractors appropriately.

My second qualification is that this amendment raises serious questions about the activities it may be intended to protect. The question here is, given that my bill only targets activities that are unlawful, why do my colleagues feel the need to clarify that it does not affect activities that are permissible? What activities are contractors carrying out that are permissible but not lawful?

I have great apprehension about what might be meant in this context, but first let me state clearly: the law is the highest authority in the land, other than the constitution. The law trumps executive orders, memorandums, and policies in all cases. I am voting for this motion with the understanding that there is no activity a contractor might be performing that could ever be permissible but not lawful. The activities that we assign to private contractors must be in accordance with the law on the books. Therefore, I interpret this motion simply to mean that nothing in my bill will have any effect on contractors working on lawful, permissible, appropriate intelligence activities.

I raise this concern because, as my colleagues well know, Congress—including members on both sides of the aisle—and this Administration have been at significant odds about the activities appropriate for our military and intelligence community to perform in certain contexts relating to the war in Iraq and the broader war against terrorism, especially with regard to the treatment of suspects in interrogations and detentions. There is rampant evidence that this Administration believes certain activities to be ''permissible'' which are clearly illegal under several statutes in United States Code.

Just today, for example, the New York Times reported that the Department of Justice has issued secret memorandums that, in direct contrast to the policies they have publicly avowed, amounted to ''an expansive endorsement of the harshest interrogation techniques ever used by the Central Intelligence Agency'' and ''for the first time provided explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures.'' I submit the full article for inclusion in the RECORD.

The harshest forms of physical and psychological tactics outlined in this article are inappropriate and illegal for our military personnel and intelligence agents, to say nothing of private contractors, and it is abominable that this Administration continues to work to circumvent our time-honored values and laws to authorize behavior that is un-American to its core.

There are clear laws on the books prohibiting torture, including the War Crimes Act (18 U.S. Code 2441) and the federal anti-torture statute (18 U.S. Code 2340). Moreover, torture is prohibited by the Uniform Code of Military Justice (articles 77–134). And the United States is a ratified signatory to international treaties, including the Geneva Conventions (Common Article 3) and the Convention Against Torture, which specifically outlaw torture. Most importantly, the United States Constitution (amendments 5, 8, and 14) explicitly prohibits cruel, unusual, and inhumane treatment or punishment.

The kinds of activities that, to the great shame of our nation, have been carried out at Abu Ghraib prison and Guantanamo Bay detention facilities are not, in any circumstances, permissible. Let us be clear that, in the passage of this motion, we are in no way authorizing or legitimating these behaviors. Let us also be clear that, in this passage of this legislation, we are providing federal prosecutors the tools to arrest and prosecute any contractor working for this government who commits such abominable acts to the full extent of the law.

[From the New York Times, Oct. 4, 2007]

SECRET U.S. ENDORSEMENT OF SEVERE INTERROGATIONS

(By Scott Shane, David Johnston and James Risen)

WASHINGTON, Oct. 3.—When the Justice Department publicly declared torture ''abhorrent'' in a legal opinion in December 2004, the Bush administration appeared to have abandoned its assertion of nearly unlimited presidential authority to order brutal interrogations.

But soon after Alberto R. Gonzales's arrival as attorney general in February 2005, the Justice Department issued another opinion, this one in secret. It was a very different document, according to officials briefed on it, an expansive endorsement of the harshest interrogation techniques ever used by the Central Intelligence Agency.

The new opinion, the officials said, for the first time provided explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures.

Mr. Gonzales approved the legal memorandum on ''combined effects'' over the objections of James B. Comey, the deputy attorney general, who was leaving his job after bruising clashes with the White House. Disagreeing with what he viewed as the opinion's overreaching legal reasoning, Mr. Comey told colleagues at the department that they would all be ''ashamed'' when the world eventually learned of it.

Later that year, as Congress moved toward outlawing ''cruel, inhuman and degrading'' treatment, the Justice Department issued another secret opinion, one most lawmakers did not know existed, current and former officials said. The Justice Department document declared that none of the C.I.A. interrogation methods violated that standard.

The classified opinions, never previously disclosed, are a hidden legacy of President Bush's second term and Mr. Gonzales's tenure at the Justice Department, where he moved quickly to align it with the White House after a 2004 rebellion by staff lawyers that had thrown policies on surveillance and detention into turmoil.

Congress and the Supreme Court have intervened repeatedly in the last two years to impose limits on interrogations, and the administration has responded as a policy matter by dropping the most extreme techniques. But the 2005 Justice Department opinions remain in effect, and their legal conclusions have been confirmed by several more recent memorandums, officials said. They show how the White House has succeeded in preserving the broadest possible legal latitude for harsh tactics.

A White House spokesman, Tony Fratto, said Wednesday that he would not comment on any legal opinion related to interrogations. Mr. Fratto added, ''We have gone to great lengths, including statutory efforts and the recent executive order, to make it clear that the intelligence community and our practices fall within U.S. law'' and international agreements.

More than two dozen current and former officials involved in counterterrorism were interviewed over the past three months about the opinions and the deliberations on interrogation policy. Most officials would speak only on the condition of anonymity because of the secrecy of the documents and the C.I.A. detention operations they govern.

When he stepped down as attorney general in September after widespread criticism of the firing of federal prosecutors and withering attacks on his credibility, Mr. Gonzales talked proudly in a farewell speech of how his department was ''a place of inspiration'' that had balanced the necessary flexibility to conduct the war on terrorism with the need to uphold the law.

Associates at the Justice Department said Mr. Gonzales seldom resisted pressure from Vice President Dick Cheney and David S. Addington, Mr. Cheney's counsel, to endorse policies that they saw as effective in safeguarding Americans, even though the practices brought the condemnation of other governments, human rights groups and Democrats in Congress. Critics say Mr. Gonzales turned his agency into an arm of the Bush

White House, undermining the department's independence.

The interrogation opinions were signed by Steven G. Bradbury, who since 2005 has headed the elite Office of Legal Counsel at the Justice Department. He has become a frequent public defender of the National Security Agency's domestic surveillance program and detention policies at Congressional hearings and press briefings, a role that some legal scholars say is at odds with the office's tradition of avoiding political advocacy.

Mr. Bradbury defended the work of his office as the government's most authoritative interpreter of the law. ''In my experience, the White House has not told me how an opinion should come out,'' he said in an interview. ''The White House has accepted and respected our opinions, even when they didn't like the advice being given.''

The debate over how terrorism suspects should be held and questioned began shortly after the Sept. 11, 2001, attacks, when the Bush administration adopted secret detention and coercive interrogation, both practices the United States had previously denounced when used by other countries. It adopted the new measures without public debate or Congressional vote, choosing to rely instead on the confidential legal advice of a handful of appointees.

The policies set off bruising internal battles, pitting administration moderates against hard-liners, military lawyers against Pentagon chiefs and, most surprising, a handful of conservative lawyers at the Justice Department against the White House in the stunning mutiny of 2004. But under Mr. Gonzales and Mr. Bradbury, the Justice Department was wrenched back into line with the White House.

After the Supreme Court ruled in 2006 that the Geneva Conventions applied to prisoners who belonged to Al Qaeda, President Bush for the first time acknowledged the C.I.A.'s secret jails and ordered their inmates moved to Guantánamo Bay, Cuba. The C.I.A. halted its use of waterboarding, or pouring water over a bound prisoner's cloth-covered face to induce fear of suffocation.

But in July, after a monthlong debate inside the administration, President Bush signed a new executive order authorizing the use of what the administration calls ''enhanced'' interrogation techniques—the details remain secret—and officials say the C.I.A. again is holding prisoners in ''black sites'' overseas. The executive order was reviewed and approved by Mr. Bradbury and the Office of Legal Counsel.

Douglas W. Kmiec, who headed that office under President Ronald Reagan and the first President George Bush and wrote a book about it, said he believed the intense pressures of the campaign against terrorism have warped the office's proper role.

''The office was designed to insulate against any need to be an advocate,'' said Mr. Kmiec, now a conservative scholar at Pepperdine University law school. But at times in recent years, Mr. Kmiec said, the office, headed by William H. Rehnquist and Antonin Scalia before they served on the Supreme Court, ''lost its ability to say no.'' ''The approach changed dramatically with opinions on the war on terror,'' Mr. Kmiec said. ''The office became an advocate for the president's policies.''

From the secret sites in Afghanistan, Thailand and Eastern Europe where C.I.A. teams held Qaeda terrorists, questions for the lawyers at C.I.A. headquarters arrived daily. Nervous interrogators wanted to know: Are we breaking the laws against torture? The Bush administration had entered uncharted legal territory beginning in 2002, holding prisoners outside the scrutiny of the International Red Cross and subjecting them to harrowing pressure tactics. They included slaps to the head; hours held naked in a frigid cell; days and nights without sleep while battered by thundering rock music; long periods manacled in stress positions; or the ultimate, waterboarding.

Never in history had the United States authorized such tactics. While President Bush and C.I.A. officials would later insist that the harsh measures produced crucial intelligence, many veteran interrogators, psychologists and other experts say that less coercive methods are equally or more effective.

With virtually no experience in interrogations, the C.I.A. had constructed its program in a few harried months by consulting Egyptian and Saudi intelligence officials and copying Soviet interrogation methods long used in training American service men to withstand capture. The agency officers questioning prisoners constantly sought advice from lawyers thousands of miles away.

''We were getting asked about combinations—'Can we do this and this at the same time?' '' recalled Paul C. Kelbaugh, a veteran intelligence lawyer who was deputy legal counsel at the C.I.A.'s Counterterrorist Center from 2001 to 2003.

Interrogators were worried that even approved techniques had such a painful, multiplying effect when combined that they might cross the legal line, Mr. Kelbaugh said. He recalled agency officers asking: ''These approved techniques, say, withholding food, and 50-degree temperature—can they be combined?'' Or ''Do I have to do the less extreme before the more extreme?''

The questions came more frequently, Mr. Kelbaugh said, as word spread about a C.I.A. inspector general inquiry unrelated to the war on terrorism. Some veteran C.I.A. officers came under scrutiny because they were advisers to Peruvian officers who in early 2001 shot down a missionary flight they had mistaken for a drug-running aircraft. The Americans were not charged with crimes, but they endured three years of investigation, saw their careers derailed and ran up big legal bills.

That experience shook the Qaeda interrogation team, Mr. Kelbaugh said. ''You think you're making a difference and maybe saving 3,000 American lives from the next attack. And someone tells you, 'Well, that guidance was a little vague, and the inspector general wants to talk to you,' '' he recalled. ''We couldn't tell them, 'Do the best you can,' because the people who did the best they could in Peru were looking at a grand jury.'' Mr. Kelbaugh said the questions were sometimes close calls that required consultation with the Justice Department. But in August 2002, the department provided a sweeping legal justification for even the harshest tactics.

That opinion, which would become infamous as ''the torture memo'' after it was leaked, was written largely by John Yoo, a young Berkeley law professor serving in the Office of Legal Counsel. His broad views of presidential power were shared by Mr. Addington, the vice president's adviser. Their close alliance provoked John Ashcroft, then the attorney general, to refer privately to Mr. Yoo as Dr. Yes for his seeming eagerness to give the White House whatever legal justifications it desired, a Justice Department official recalled.

Mr. Yoo's memorandum said no interrogation practices were illegal unless they produced pain equivalent to organ failure or ''even death.'' A second memo produced at the same time spelled out the approved practices and how often or how long they could be used. Despite that guidance, in March 2003, when the C.I.A. caught Khalid Sheikh Mohammed, the chief planner of the Sept. 11 attacks, interrogators were again haunted by uncertainty. Former intelligence officials, for the first time, disclosed that a variety of tough interrogation tactics were used about 100 times over two weeks on Mr. Mohammed. Agency officials then ordered a halt, fearing the combined assault might have amounted to illegal torture. A C.I.A. spokesman, George Little, declined to discuss the handling of Mr. Mohammed. Mr. Little said the program ''has been conducted lawfully, with great care and close review'' and ''has helped our country disrupt terrorist plots and save innocent lives.''

''The agency has always sought a clear legal framework, conducting the program in strict accord with U.S. law, and protecting the officers who go face-to-face with ruthless terrorists,'' Mr. Little added.

Some intelligence officers say that many of Mr. Mohammed's statements proved exaggerated or false. One problem, a former senior agency official said, was that the C.I.A.'s initial interrogators were not experts on Mr. Mohammed's background or Al Qaeda, and it took about a month to get such an expert to the secret prison. The former official said many C.I.A. professionals now believe patient, repeated questioning by well-informed experts is more effective than harsh physical pressure.

Other intelligence officers, including Mr. Kelbaugh, insist that the harsh treatment produced invaluable insights into Al Qaeda's structure and plans. ''We leaned in pretty hard on K.S.M.,'' Mr. Kelbaugh said, referring to Mr. Mohammed. ''We were getting good information, and then they were told: ''Slow it down. It may not be correct. Wait for some legal clarification.''

The doubts at the C.I.A. proved prophetic. In late 2003, after Mr. Yoo left the Justice Department, the new head of the Office of Legal Counsel, Jack Goldsmith, began reviewing his work, which he found deeply flawed. Mr. Goldsmith infuriated White House officials, first by rejecting part of the National Security Agency's surveillance program, prompting the threat of mass resignations by top Justice Department officials, including Mr. Ashcroft and Mr. Comey, and a showdown at the attorney general's hospital bedside.

Then, in June 2004, Mr. Goldsmith formally withdrew the August 2002 Yoo memorandum on interrogation, which he found overreaching and poorly reasoned. Mr. Goldsmith left the Justice Department soon afterward. He first spoke at length about his dissenting views to The New York Times last month, and testified before the Senate Judiciary Committee on Tuesday.

Six months later, the Justice Department quietly posted on its Web site a new legal opinion that appeared to end any flirtation with torture, starting with its clarionlike opening: ''Torture is abhorrent both to American law and values and to international norms.''

A single footnote—added to reassure the C.I.A.—suggested that the Justice Department was not declaring the agency's previous actions illegal. But the opinion was unmistakably a retreat. Some White House officials had opposed publicizing the document, but acquiesced to Justice Department officials who argued that doing so would help clear the way for Mr. Gonzales's confirmation as attorney general.

If President Bush wanted to make sure the Justice Department did not rebel again, Mr. Gonzales was the ideal choice. As White House counsel, he had been a fierce protector of the president's prerogatives. Deeply loyal to Mr. Bush for championing his career from their days in Texas, Mr. Gonzales would sometimes tell colleagues that he had just one regret about becoming attorney general: He did not see nearly as much of the president as he had in his previous post.

Among his first tasks at the Justice Department was to find a trusted chief for the Office of Legal Counsel. First he informed Daniel Levin, the acting head who had backed Mr. Goldsmith's dissents and signed the new opinion renouncing torture, that he would not get the job. He encouraged Mr. Levin to take a position at the National Security Council, in effect sidelining him.

Mr. Bradbury soon emerged as the presumed favorite. But White House officials, still smarting from Mr. Goldsmith's rebuffs, chose to delay his nomination. Harriet E. Miers, the new White House counsel, ''decided to watch Bradbury for a month or two. He was sort of on trial,'' one Justice Department official recalled.

Mr. Bradbury's biography had a Horatio Alger element that appealed to a succession of bosses, including Justice Clarence Thomas of the Supreme Court and Mr. Gonzales, the son of poor immigrants. Mr. Bradbury's father had died when he was an infant, and his mother took in laundry to support her children. The first in his family to go to college, he attended Stanford and the University of Michigan Law School. He joined the law firm of Kirkland & Ellis, where he came under the tutelage of Kenneth W. Starr, the Whitewater independent prosecutor.

Mr. Bradbury belonged to the same circle as his predecessors: young, conservative lawyers with sterling credentials, often with clerkships for prominent conservative judges and ties to the Federalist Society, a powerhouse of the legal right. Mr. Yoo, in fact, had proposed his old friend Mr. Goldsmith for the Office of Legal Counsel job; Mr. Goldsmith had hired Mr. Bradbury as his top deputy.

''We all grew up together,'' said Viet D. Dinh, an assistant attorney general from 2001 to 2003 and very much a member of the club. ''You start with a small universe of Supreme Court clerks, and you narrow it down from there.''

But what might have been subtle differences in quieter times now cleaved them into warring camps.

Justice Department colleagues say Mr. Gonzales was soon meeting frequently with Mr. Bradbury on national security issues, a White House priority. Admirers describe Mr. Bradbury as low-key but highly skilled, a conciliator who brought from 10 years of corporate practice a more pragmatic approach to the job than Mr. Yoo and Mr. Goldsmith, both from the academic world.

''As a practicing lawyer, you know how to address real problems,'' said Noel J. Francisco, who worked at the Justice Department from 2003 to 2005. ''At O.L.C., you're not writing law review articles and you're not theorizing. You're giving a client practical advice on a real problem.''

As he had at the White House, Mr. Gonzales usually said little in meetings with other officials, often deferring to the hard-driving Mr. Addington. Mr. Bradbury also often appeared in accord with the vice president's lawyer.

Mr. Bradbury appeared to be ''fundamentally sympathetic to what the White House and the C.I.A. wanted to do,'' recalled Philip Zelikow, a former top State Department official. At interagency meetings on detention and interrogation, Mr. Addington was at times ''vituperative,'' said Mr. Zelikow, but Mr. Bradbury, while taking similar positions, was ''professional and collegial.''

While waiting to learn whether he would be nominated to head the Office of Legal Counsel, Mr. Bradbury was in an awkward position, knowing that a decision contrary to White House wishes could kill his chances.

Charles J. Cooper, who headed the Office of Legal Counsel under President Reagan, said he was ''very troubled'' at the notion of a probationary period.

''If the purpose of the delay was a tryout, I think they should have avoided it,'' Mr. Cooper said. ''You're implying that the acting official is molding his or her legal analysis to win the job.''

Mr. Bradbury said he made no such concessions. ''No one ever suggested to me that my nomination depended on how I ruled on any opinion,'' he said. ''Every opinion I've signed at the Office of Legal Counsel represents my best judgment of what the law requires.''

Scott Horton, an attorney affiliated with Human Rights First who has closely followed the interrogation debate, said any official offering legal advice on the campaign against terror was on treacherous ground.

''For government lawyers, the national security issues they were deciding were like working with nuclear waste—extremely hazardous to their health,'' Mr. Horton said. ''If you give the administration what it wants, you'll lose credibility in the academic community,'' he said. ''But if you hold back, you'll be vilified by conservatives and the administration.''

In any case, the White House grew comfortable with Mr. Bradbury's approach. He helped block the appointment of a liberal Ivy League law professor to a career post in the Office of Legal Counsel. And he signed the opinion approving combined interrogation techniques.

Mr. Comey strongly objected and told associates that he advised Mr. Gonzales not to endorse the opinion. But the attorney general made clear that the White House was adamant about it, and that he would do nothing to resist.

Under Mr. Ashcroft, Mr. Comey's opposition might have killed the opinion. An imposing former prosecutor and self-described conservative who stands 6-foot-8, he was the rare administration official who was willing to confront Mr. Addington. At one testy 2004 White House meeting, when Mr. Comey stated that ''no lawyer'' would endorse Mr. Yoo's justification for the N.S.A. program, Mr. Addington demurred, saying he was a lawyer and found it convincing. Mr. Comey shot back: ''No good lawyer,'' according to someone present.

But under Mr. Gonzales, and after the departure of Mr. Goldsmith and other allies, the deputy attorney general found himself isolated. His troublemaking on N.S.A. and on interrogation, and in appointing his friend Patrick J. Fitzgerald as special prosecutor in the C.I.A. leak case, which would lead to the perjury conviction of I. Lewis Libby, Mr. Cheney's chief of staff, had irreparably offended the White House.

''On national security matters generally, there was a sense that Comey was a wimp and that Comey was disloyal,'' said one Justice Department official who heard the White House talk, expressed with particular force by Mr. Addington.

Mr. Comey provided some hints of his thinking about interrogation and related issues in a speech that spring. Speaking at the N.S.A.'s Fort Meade campus on Law Day—a noteworthy setting for the man who had helped lead the dissent a year earlier that forced some changes in the N.S.A. program—Mr. Comey spoke of the ''agonizing collisions'' of the law and the desire to protect Americans.

''We are likely to hear the words: 'If we don't do this, people will die,' '' Mr. Comey said. But he argued that government lawyers must uphold the principles of their great institutions.

''It takes far more than a sharp legal mind to say 'no' when it matters most,'' he said. ''It takes moral character. It takes an understanding that in the long run, intelligence under law is the only sustainable intelligence in this country.''

Mr. Gonzales's aides were happy to see Mr. Comey depart in the summer of 2005. That June, President Bush nominated Mr. Bradbury to head the Office of Legal Counsel, which some colleagues viewed as a sign that he had passed a loyalty test. Soon Mr. Bradbury applied his practical approach to a new challenge to the C.I.A.'s methods.

The administration had always asserted that the C.I.A.'s pressure tactics did not amount to torture, which is banned by federal law and international treaty. But officials had privately decided the agency did not have to comply with another provision in the Convention Against Torture—the prohibition on ''cruel, inhuman, or degrading'' treatment.

Now that loophole was about to be closed. First Senator Richard J. Durbin, Democrat of Illinois, and then Senator John McCain, the Arizona Republican who had been tortured as a prisoner in North Vietnam, proposed legislation to ban such treatment. At the administration's request, Mr. Bradbury assessed whether the proposed legislation would outlaw any C.I.A. methods, a legal question that had never before been answered by the Justice Department.

At least a few administration officials argued that no reasonable interpretation of ''cruel, inhuman or degrading'' would permit the most extreme C.I.A. methods, like waterboarding. Mr. Bradbury was placed in a tough spot, said Mr. Zelikow, the State Department counselor, who was working at the time to rein in interrogation policy. ''If Justice says some practices are in violation of the C.I.D. standard,'' Mr. Zelikow said, referring to cruel, inhuman or degrading, ''then they are now saying that officials broke current law.''

In the end, Mr. Bradbury's opinion delivered what the White House wanted: a statement that the standard imposed by Mr. McCain's Detainee Treatment Act would not force any change in the C.I.A.'s practices, according to officials familiar with the memo. Relying on a Supreme Court finding that only conduct that ''shocks the conscience'' was unconstitutional, the opinion found that in some circumstances not even waterboarding was necessarily cruel, inhuman or degrading, if, for example, a suspect was believed to possess crucial intelligence about a planned terrorist attack, the officials familiar with the legal finding said.

In a frequent practice, Mr. Bush attached a statement to the new law when he signed it, declaring his authority to set aside the restrictions if they interfered with his constitutional powers. At the same time, though, the administration responded to pressure from Mr. McCain and other lawmakers by reviewing interrogation policy and giving up several C.I.A. techniques.

Since late 2005, Mr. Bradbury has become a linchpin of the administration's defense of counterterrorism programs, helping to negotiate the Military Commissions Act last year and frequently testifying about the N.S.A. surveillance program. Once, he answered questions about administration detention policies for an ''Ask the White House'' feature on a Web site.

Mr. Kmiec, the former Office of Legal Counsel head now at Pepperdine, called Mr. Bradbury's public activities a departure for an office that traditionally has shunned any advocacy role.

A senior administration official called Mr. Bradbury's active role in shaping legislation and speaking to Congress and the press ''entirely appropriate'' and consistent with past practice. The official, who spoke on the condition of anonymity, said Mr. Bradbury ''has played a critical role in achieving greater transparency'' on the legal basis for detention and surveillance programs.

Though President Bush repeatedly nominated Mr. Bradbury as the Office of Legal Counsel's assistant attorney general, Democratic senators have blocked the nomination. Senator Durbin said the Justice Department would not turn over copies of his opinions or other evidence of Mr. Bradbury's role in interrogation policy.

''There are fundamental questions about whether Mr. Bradbury approved interrogation methods that are clearly unacceptable,'' Mr. Durbin said.

John D. Hutson, who served as the Navy's top lawyer from 1997 to 2000, said he believed that the existence of legal opinions justifying abusive treatment is pernicious, potentially blurring the rules for Americans handling prisoners.

''I know from the military that if you tell someone they can do a little of this for the country's good, some people will do a lot of it for the country's better,'' Mr. Hutson said. Like other military lawyers, he also fears that official American acceptance of such treatment could endanger Americans in the future.

''The problem is, once you've got a legal opinion that says such a technique is O.K., what happens when one of our people is captured and they do it to him? How do we protest then?'' he asked.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minutes votes on passage of H.R. 2740, if ordered; ordering the previous question on H. Res. 704; adoption of H. Res. 704, if ordered; ordering the previous question on H. Res. 703; and adoption of H. Res. 703, if ordered.

The vote was taken by electronic device, and there were—yeas 342, nays 75, not voting 15, as follows:

[Roll No. 939]

YEAS—342

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrow
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—75

Abercrombie
Andrews
Baldwin
Becerra
Braley (IA)
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Crowley
Davis (IL)
Doggett
Ellison
Farr
Filner
Gonzalez
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kucinich
Lewis (GA)
Markey
McCollum (MN)
McDermott
McGovern
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Olver
Pallone
Pascrell
Pastor
Payne
Rahall
Rangel
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Scott (VA)
Serrano
Sires
Slaughter
Solis
Stark
Sutton
Thompson (MS)
Tierney
Towns
Velázquez
Waters
Watson
Watt
Waxman
Woolsey
Wynn
Yarmuth

NOT VOTING—15

Barrett (SC)
Bartlett (MD)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gerlach
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Renzi
Visclosky

□ 1141

Mr. MCGOVERN, Mr. ROTHMAN, Ms. VELÁZQUEZ, Mr. HONDA, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. BECERRA, Mr. WAXMAN, Ms. MOORE of Wisconsin, Mr. MOLLOHAN, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. HODES, Ms. WATERS, Mr. OLVER and Mr. TIERNEY changed their vote from ''yea'' to ''nay.''

Messrs. LAHOOD, CAPUANO, WILSON of Ohio, HARE, BRADY of Pennsylvania, ISRAEL, EMANUEL, FATTAH, AL GREEN of Texas, BOEHNER, MEEKS of New York, LARSON of Connecticut, Ms. MATSUI, Mr. THOMPSON of California, Mrs. CAPPS and Mr. NADLER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2740, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the text of the bill, insert the following:

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 389, noes 30, not voting 13, as follows:

[Roll No. 940]

AYES—389

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—30

Alexander
Baker
Barton (TX)
Boustany
Broun (GA)
Burgess
Buyer
Cannon
Deal (GA)
Doolittle
Franks (AZ)
Hastert
Hoekstra
Hunter
Johnson, Sam
Lamborn
Linder
McCrery
Miller (FL)
Miller, Gary
Pitts
Price (GA)
Renzi
Rogers (AL)
Rohrabacher
Sessions
Shadegg
Tancredo
Westmoreland
Young (AK)

NOT VOTING—13

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gerlach
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1150

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3246, REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 704, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 194, not voting 14, as follows:

[Roll No. 941]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

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Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw